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The procedure must include interrogation of the employee concerned, since according to the Yugoslav Constitution no person may be convicted unless interrogation has taken place. This serves two purposes: the employee is given an opportunity to defend himself, and the interrogation provides evidence pertaining to the case.

On the basis of evidence developed through administrative procedure, a decision is made regarding compensation by the employee responsible. The jurisdiction of authorities to make decisions regarding compensation for damages is set forth in Paragraph 4 of the decree on civil liability of Railroad Ministry employees, as follows:

1. For damage valued from 100,000 to one million dinars and for all damage caused by employees of the Railroad Ministry, regardless of value -- the federal Railroad Minister.
2. For damage up to 100,000 dinars -- the general director and director of a railroad directorate.
3. For damage up to 50,000 dinars -- the director of the railroad organization concerned.
4. For damage up to 5,000 dinars -- the chief of the railroad station, head of the locomotive depot, director of the technical school, or any other official of corresponding grade.

Administrative procedure and the jurisdiction of administrative authorities do not apply when the damage exceeds one million dinars. Damage over one million dinars is under the jurisdiction of regular courts.

Authorities who will decide full or partial exemption of railroad employees and workers from compensation for damage are as follows:

1. The federal government -- for exemptions of over one million dinars.
2. The Railroad Minister -- up to one million dinars.
3. The director of the railroad directorate -- up to 50,000 dinars.
4. Division head of the railroad directorate concerned -- up to 25,000 dinars.
5. Railroad station chief Grade I, or locomotive depot head grade I -- up to 10,000 dinars.
6. Heads of all other railroad operating agencies -- up to 5,000 dinars.

When compensation cases have been handled by a regular court of law, no administrative proceedings shall be ordered. There have been violations of this principle. For example, an employee found responsible for an accident causing damage to the state was tried before the District Court and found guilty. In addition to sentencing him to prison, the court ordered him to pay a definite amount of the damage. Disregarding this, the employee's organization ordered disciplinary procedure against him that involved two more employees as well. The disciplinary court found all three guilty of violating disciplinary rules. The verdict of the disciplinary court demanded that compensation be paid by all three employees found guilty by the disciplinary court, although this matter had already been ruled on by the District Court in proper criminal procedure. Obviously, the verdict of the disciplinary court was illegal, and was rejected as such.

- 2 -

CONFIDENTIAL**CONFIDENTIAL**

50X1-HUM

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From the judicial viewpoint, every decision must comply with pertinent legal provisions. These are set forth in the General Administrative Procedure Decree. All legal provisions enacted during the enemy occupation and prior to 6 April 1941 have been abolished by law. The old Yugoslav General Administrative Procedure Decree has lost its effect, but since the new decree has not yet been enacted, the provisions of the old one still obtain, insofar as they do not contradict the federal or republic Constitution or laws.

The principle of legality requires that every legal decision state the following:

1. Official position of the state authority making the decision
2. Description of the case and name of the person the decision concerns
3. Summary of the decision and rights of appeal
4. Substantiation
5. Date the decision is made, signature of responsible authority, and official seal.

One copy of the decision is handed to the employee concerned, who certifies receipt by signing either the original of the same decision or a special receipt. An appeal period of 15 days from decisions for damage compensation is allowed. The right of appeal is granted by the Constitution, and it is up to the individual to exercise it.

An appeal is made:

1. To the federal government from decisions made by the Railroad Minister
2. To the Railroad Minister from decisions made by a general director (for instance, the General Director of the Main Railroad Construction Directorate) or a director of a railroad directorate
3. To the director of a railroad directorate from decisions made by a railroad-station chief, head of a locomotive depot, or any other official of corresponding grade
4. To the general director or director (of, for instance, the Main Railroad Construction Directorate, Railroad Employees' Supply Directorate, and Sleeping- and Dining-Car Directorate), from decisions made by any other railroad-agency chief.

No special form is prescribed for an appeal. The reasons for appealing the decision need only be stated in writing in a clear and precise way. The period of appeal is established by law, and as such it cannot be shortened or lengthened. It begins the day after the individual receives the decision. Sundays and holidays within the appeal period are counted as workdays, but if the last day for appeal falls on a Sunday or holiday, the day following is considered the final one. Appeals must be made within that period; otherwise they will be rejected. Although appeal is made to the authority who will hear it, for efficiency purposes it is channeled through the official who made the original decision. It may be submitted directly, or posted as a registered letter. In the latter instance, the date of mailing is considered the date the appeal was made to the responsible authority. Channeling the appeal through the official responsible for the original decision is justified by the fact that this person keeps the complete case on file. According to appeal procedure, this authority must certify to the date of the appeal, thus determining whether it was made within the specified period. He is authorized to reject all untimely appeals. Also, he will reject all unauthorized appeals, and those submitted by unauthorized persons. Unauthorized

- 3 -

CONFIDENTIAL**CONFIDENTIAL**

CONFIDENTIALCONFIDENTIAL

50X1-HUM

appeals consist of those made from decisions which allow no right of appeal. When a decision is appealed, and the authority who made the decision realizes that it was wrong or illegal, he has the right to rescind it and make another one. In all other instances this authority must immediately forward the appeal, together with the entire case file, to the person who will hear it.

Appeal will postpone the effective date of the original decision; this means that appeal will delay the final decision until the appeal authority settles the case. Decision of an appealed case is final and definite. It has full legality, cannot be rescinded or amended by normal procedure, and must be carried out.

A clear distinction should always be made between an effective decision and a final one. An effective decision may be carried out, but not every effective decision is a final one. On the other hand, every final decision is at the same time effective. There are certain cases in which it is explicitly stated that appealing a decision cannot postpone its effectiveness. In such cases decisions are effective, but not final, for they may be rescinded or amended in the process of appeal. However, an original decision may be immediately effective, for instance, when a decision has not been or cannot be appealed.

The decree concerning civil liability of Railroad Ministry employees provides that employees directed by the appeal authority to pay compensation have the right to appeal to a regular court within a 30-day period. This right of appeal, however, will not delay the effectiveness of the decision.

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- 4 -

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